The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte WILHELMUS J.M. DIEPSTRATEN, MICHAEL A. FISCHER,
and WESLEY D. HARDELL

———————

Appeal 2006-2672
Application 09/213,984
Technology Center 2100

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Decided: April 23, 2007

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Before JOSEPH L. DIXON, JEAN R. HOMERE, and
ST. JOHN COURTENAY III, *Administrative Patent Judges.*

COURTENAY, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-22.

THE INVENTION

The disclosed invention is directed to computer processors in general and, more specifically, to a context controller having a context-specific event selection mechanism and a processor employing the context controller. (Specification 2).

Representative claim 8 is illustrative:

8.   A method of managing multitasking in a processor, comprising the steps of:

recording occurrences of predetermined events; and

acknowledging ones of said events based on code of a currently-active context.

THE REFERENCES

The Examiner relies upon the following references as evidence of anticipation and unpatentability:

Seibert	US 5,239,652	Aug. 24, 1993
Vaitzblit	US 5,528,513	Jun. 18, 1996
Motomura	US 5,713,038	Jan. 27, 1998
Dummermuth	US 6,009,454	Dec. 28, 1999
		(filed Nov. 10, 1997)
McLain	US 6,256,659 B1	Jul. 03, 2001
		(filed Dec. 09, 1997)

THE REJECTIONS

The following rejections are on appeal before us:

1. Claims 1-4 and 8-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Vaitzblit.

2. Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Dummermuth.

3. Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Seibert.

4. Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of McLain.

5. Claims 15-18 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Motomura.

6. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Motomura, and further in view of Dummermuth.

7. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Dummermuth, in view of Motomura, and further in view of Seibert.

8. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Vaitzblit in view of Motomura, and further in view of McLain.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Briefs and the Answer for the respective details thereof. We note Appellants have presented a grouping scheme that includes more than one rejection per group (Br. 11). In order to provide a

3

complete response to Appellants' arguments, we address specific claims (or groups of claims) as they are separately argued in the Briefs.

OPINION

Only those arguments actually made by Appellants have been considered in this decision. It is our view, after consideration of the record before us, that the evidence relied upon supports the Examiner's rejection of the claims on appeal. Accordingly, we affirm.

Independent claims 1 and 8

We consider first the Examiner's rejection of independent claims 1 and 8 as being anticipated by Vaitzblit. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select independent claim 8 as the representative claim for this rejection because we find it is the broadest independent claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Vaitzblit does not specifically address acknowledging events and especially does not teach acknowledging events based on the code of a currently-active context, as required by the language of claims 1 and 8. Appellants acknowledge: "one can argue that the periodic information from [Vaitzblit's] timers is used for preempting events." Nevertheless, Appellants assert that the periodic information from Vaitzblit's timers does not correspond to "code of a currently-active context," as claimed (claims 1 and 8). Appellants argue that Vaitzblit teaches against the limitation of acknowledging events based on code of a

currently-active context, since Vaitzblit teaches preempting tasks based on priority (Br. 13).

The Examiner disagrees. The Examiner argues that the code of the currently-active context is the task, as the Specification is directed to a task controller. The Examiner asserts that acknowledging an event (as set forth in the Specification) corresponds to changing the currently active task and its state (Answer 6). With respect to Appellants' "teaching away" argument, the Examiner notes that the language of the claim does not require every event to be acknowledged (Answer 6-7).

In the Reply Brief, Appellants further acknowledge: "[t]he present application does teach, as also reflected in some of the dependent claims, that activation of contexts corresponding to tasks occurs in response to the events." Nevertheless, Appellants maintain that "activation of contexts is not acknowledging events as claimed in the present application"
(Reply Br. 3, ¶1).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue "reads on" a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the

public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.") (internal citations omitted).

We begin our analysis by noting the Court of Appeals for the Federal Circuit has determined that "[t]eaching away is irrelevant to anticipation." *Seachange International, Inc., v. C-Cor, Inc.*, 413 F.3d 1361, 1380, 75 USPQ2d 1385, 1398 (Fed. Cir. 2005), *citing Celeritas Tech., Ltd., v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522 (Fed. Cir. 1998); *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378, 58 USPQ2d 1508, 1515 (Fed. Cir. 2001). Here, the Examiner has rejected claims 1 and 8 under 35 U.S.C. § 102. Therefore, we find Appellants' argument misplaced that Vaitzblit *teaches against* acknowledging events based on code of a currently-active context.

After carefully considering the evidence before us, we agree with the Examiner that the language of independent claim 8 broadly but reasonably *reads on* Vaitzblit's disclosure of scheduler 53 that implements various forms of multitasking, i.e., where a given task is interrupted and execution shifts to the next designated task. In particular, we note Appellants have acknowledged: "one can argue that the periodic information from the timers is used for preempting *events*" (See Br. 13, ¶2, ll. 7-8, emphasis added). Therefore, we find Appellants' claimed "predetermined events" broadly but reasonably *read on* Vaitzblit's disclosure of multitasking triggered by a predetermined priority scheme. We find the claimed "predetermined events" correspond to the determination by "scheduler 53" whether a currently

running task needs to be replaced (i.e., "preempted") with another task according to a predetermined priority scheme (col. 4, ll. 48-50).

We further find Appellants' argument misplaced that the periodic information from Vaitzblit's timers does not correspond to code of a currently-active context. We note that Vaitzblit discloses alternative multitasking schemes, such as real-time tasks that do not have the distinct period characteristic of Vaitzblit's disclosed isochronous (i.e., equal duration) tasks (col. 3, ll. 44-54 and col. 4, ll. 45-47). Therefore, we find the language of independent claim 8 requires acknowledging events ("based on code of a currently-active context") broadly but reasonably *reads on* Vaitzblit's disclosure of acknowledging a task-change determination (i.e., a predetermined event performed by "scheduler 53") by replacing or preempting the currently running task (and associated code) with the next designated task (col. 4, ll. 48-60). We further find this acknowledgement occurs "*based on* code of a currently-active context," as claimed (claim 8, emphasis added). In particular, we note the modifier "based on" does not limit the claim to *performing* event acknowledgment by actually executing code from the currently-active context. Because we find Vaitzblit teaches all that is claimed, we will sustain the Examiner's rejection of representative claim 8 as being anticipated by Vaitzblit.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to independent claim 1 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of independent claim 1 as being anticipated by Vaitzblit for the same reasons discussed *supra* with respect to representative claim 8.

Dependent claims 2 and 9

We consider next the Examiner's rejection of dependent claims 2 and 9 as being anticipated by Vaitzblit. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 9 as the representative claim for this rejection because we find it is the broadest claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Vaitzblit does not teach or suggest masking "others" of the events as a function of each context in combination with the limitations of the associated independent claims, as required by the language of the claim (Br. 15).

The Examiner disagrees. The Examiner asserts that Appellants' own interpretation of the Vaitzblit reference shows that Vaitzblit teaches the alleged missing element. The Examiner further asserts that Appellants' arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (Answer 7-8). *See* 37 C.F.R. § 1.111(b).

We agree with the Examiner that Appellants have failed to comply with the requirements of 37 C.F.R. § 1.111(b) by merely reciting the language of the claim and asserting that such language is not taught by the reference. We further note that a statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim. *See* 37 C.F.R. § 41.37(c)(1)(vii). Therefore, we do not find Appellants' argument persuasive, and we find that Appellants have not

shown error in the Examiner's prima facie case of anticipation. Therefore, we *pro forma* sustain the Examiner's rejection of representative claim 9 for the same reasons discussed *supra* with respect to independent claim 8.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 2 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 2 as being anticipated by Vaitzblit for the same reasons discussed *supra* with respect to representative claim 9.

Dependent claims 3 and 10

We consider next the Examiner's rejection of dependent claims 3 and 10 as being anticipated by Vaitzblit. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 3 as the representative claim for this rejection because we find it is the broadest claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue Vaitzblit does not teach or suggest an event recorder embodied in at least one flip-flop within the context controller, as claimed (Br. 16).

The Examiner disagrees. The Examiner again asserts that Appellants' arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (Answer 8). *See* 37 C.F.R. § 1.111(b).

We agree with the Examiner that Appellants have failed to comply with the requirements of 37 C.F.R. § 1.111(b) and 37 C.F.R. § 41.37(c)(1)(vii). Therefore, we do not find Appellants' argument persuasive, and we find that Appellants have not shown error in the Examiner's prima facie case of anticipation. Therefore, we will *pro forma* sustain the Examiner's rejection of representative claim 3 for the same reasons discussed *supra* with respect to independent claims 1 and 8.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 10 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 10 as being anticipated by Vaitzblit for the same reasons discussed *supra* with respect to representative claim 3.

Dependent claims 4 and 11

We consider next the Examiner's rejection of dependent claims 4 and 11 as being anticipated by Vaitzblit. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 11 as the representative claim for this rejection because we find it is the broadest claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Vaitzblit does not teach or suggest activating contexts corresponding to foreground tasks based on priority and in response to the events, and cyclicly activating contexts corresponding to the background tasks subject to activation of the contexts corresponding to the

10

foreground tasks, in combination with the limitations of the respective
independent claims, as claimed (Br. 16-17).

The Examiner disagrees. The Examiner refers Appellants to the
portions of Vaitzblit cited in the rejection as disclosing the argued claim
limitations (Answer 9).

We find the language of the claim that recites "activating contexts
corresponding to foreground tasks based on priority and in response to said
events" broadly but reasonably *reads on* Vaitzblit's disclosure of "scheduler
53" executing isochronous tasks from "isochronous ready queue 158" where
such isochronous tasks are arranged in order of decreasing priority and
where isochronous tasks always preempt real-time or general-purpose tasks
(col. 4, ll. 35-40). Thus, we find Vaitzblit's hierarchical scheduling of three
classes of tasks (i.e., isochronous, real-time, and general purpose tasks, col.
4, ll. 31-37) meets the language of claim 11 that requires prioritized
foreground tasks (i.e., corresponding the Vaitzblit's highest priority
isochronous tasks, col. 4, ll. 35-36) and *background tasks*, such as
Vaitzblit's general purpose tasks that are cyclicly activated (i.e., in a "round
robin" manner) subject to activation of the contexts corresponding to the
foreground tasks (col. 5, ll. 15-33). We note that Vaitzblit specifically
discloses: "[t]he general-purpose class 100 supports preemptive tasks that
are suitable for low-priority *background* processing" (col. 3, ll. 33-34,
emphasis added). Vaitzblit further discloses that isochronous tasks have the
highest priority and always preempt real-time or general-purpose tasks (col.
4, ll. 35-37). Because we find Vaitzblit teaches all that is claimed, we will

11

sustain the Examiner's rejection of representative claim 11 as being anticipated by Vaitzblit.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 4 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 4 as being anticipated by Vaitzblit for the same reasons discussed *supra* with respect to representative claim 11.

Dependent claims 5 and 12

We consider next the Examiner's rejection of dependent claims 5 and 12 as being unpatentable over Vaitzblit in view of Dummermuth. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 12 as the representative claim for this rejection because we find it is the broadest claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Dummermuth does not cure the alleged deficiencies of Vaitzblit (Br. 18). Appellants argue that Dummermuth does not show where each of the background tasks accomplishes an equal amount of work before a cycle of background processing repeats (*id.*). Appellants further argue that an artisan would not have been motivated to modify Vaitzblit with the teachings of Dummermuth because a guaranteed time frame would appear to teach away from background tasks accomplishing an equal amount of work before a cycle of background processing repeats, since a guaranteed time frame may not allow an equal amount of work

12

before repeating, especially in view of the priority preemption of Vaitzblit (Br. 19).

The Examiner disagrees. The Examiner notes that Dummermuth was cited for its teaching of instruction slicing. The Examiner further notes that the claim recites: "[wherein each of said background tasks accomplishes an equal amount of work] before a cycle of background processing repeats" (claim 11). The Examiner argues it is irrelevant whether the tasks are preempted, as the claims require that every background task receive its turn at being executed before another background task is allowed to repeat. The Examiner notes that Vaitzblit discloses: "General purpose tasks that are ready for execution are placed on the GP ready queue 108, which is served in a round-robin fashion" (col. 5, ll. 15-16). Thus, the Examiner concludes that each task receives a turn before the cycle of background processing repeats (Answer 9-10).

"[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). We begin our analysis by noting that we find no deficiencies with the Vaitzblit reference, as discussed *supra*. We further find Dummermuth's system of precisely tailoring the number of instructions per task at least suggests *an equal amount of work* when considered by an artisan in the context of Vaitzblit's isochronous (i.e., equal duration) foreground multitasking, as discussed *supra*. We note the Examiner has asserted in the rejection that the motivation to modify Vaitzblit is expressly suggested by Dummermuth at column 3, lines 22-23 (*see* Answer 4). We note the portion

13

of the Dummermuth reference relied upon by the Examiner discloses the following:

> It is thus one object of the invention to provide a multi-tasking system suitable for industrial control in that it permits the precise allocation of processor resources according to how many instructions are to be executed in each task as opposed to how much time each task is allotted.

(Dummermuth, col. 3, ll. 19-24).

Thus, the Examiner, as finder of fact, has found that an artisan would have been motivated to modify the multitasking system taught by Vaitzblit with the multitasking system taught by Dummermuth for the purpose of realizing a more precise multitasking system (i.e., with respect to allocation of processor resources) that is suitable for industrial control settings. We agree with the Examiner that Dummermuth provides an express motivation that would have reasonably lead an artisan to modify Vaitzblit in the manner suggested by the Examiner.

For at least the aforementioned reasons, we conclude the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and find that Appellants have shown no error therein. Therefore, we will sustain the Examiner's rejection of representative claim 12 as being unpatentable over Vaitzblit in view of Dummermuth.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 5 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 5 as being unpatentable over Vaitzblit in view of

Dummermuth for the same reasons discussed *supra* with respect to representative claim 12.

<div align="center">Dependent claims 6 and 13</div>

We consider next the Examiner's rejection of dependent claims 6 and 13 as being unpatentable over Vaitzblit in view of Seibert. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 13 as the representative claim for this rejection because we find it is the broadest claim in this group. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Seibert does not cure the alleged deficiencies of Vaitzblit. Appellants assert that Seibert's system for reducing power consumption completely disconnects the CPU from the power supply when in an inactive state. Appellants argue that the cited combination of references does not teach or suggest placing a processor in an idle state when all foreground and background tasks are inactive (Br. 19-20).

The Examiner disagrees. The Examiner refers back to the rejection (Answer 4) and again asserts that Appellants' arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (Answer 10). *See* 37 C.F.R. § 1.111(b).

We find no deficiencies with Vaitzblit, as discussed *supra*. We note Seibert explicitly teaches an idle bit that is "set" to indicate when a power-off signal should be sent to the CPU (Fig. 2). Thus, we find Seibert provides evidence that the term "idle," as understood by a person of ordinary skill in the art, broadly encompasses an idle state where the CPU is powered off (as

<div align="center">15</div>

opposed to merely designating a reduced-power CPU state). We further find it is axiomatic that all foreground and background tasks are inactive when the CPU is powered off. We further note that the broad language of claim 13 does not require placing the processor in an idle state *responsive* to all foreground and background tasks being inactive. In contrast, the language of representative claim 13 merely requires the processor to be placed in an idle state *when* all foreground and background tasks are inactive (claim 13). Therefore, we conclude the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and Appellants have not shown error therein. Accordingly, we will sustain the Examiner's rejection of claim 13 as being unpatentable over Vaitzblit in view of Seibert.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 6 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 6 as being unpatentable over Vaitzblit in view of Seibert for the same reasons discussed *supra* with respect to representative claim 13.

Dependent claims 7 and 14

We consider next the Examiner's rejection of dependent claims 7 and 14 as being unpatentable over Vaitzblit in view of McLain. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 7 as the representative claim for this rejection because Appellants specifically argue the limitations of claim 7 in the Brief. We note that the similar language of claim 14 is broader than the argued

language of claim 7, but address claim 7 for completeness. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that McLain does not cure the alleged deficiencies of Vaitzblit. Appellants further argue that the cited combination of references does not teach or suggest a foreground task controller that is adapted to activate a context corresponding to a particular foreground task by vectoring to a software-selectable memory location (Br. 21).

The Examiner disagrees. The Examiner refers back to the rejection (Answer 4) and again asserts that Appellants' arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (Answer 10-11). *See* 37 C.F.R. § 1.111(b).

We find no deficiencies with Vaitzblit, as discussed *supra*. We further find that Vaitzblit discloses a foreground task controller (col. 4, 1. 55, see "scheduler 53"). We find the cited portion of McLain teaches maintaining a pointer to a current instruction so that execution can be restored exactly where it left off in case the processing of the Command Control Vector "CCV 1010" is interrupted (col. 12, ll. 63-67). Thus, we find McLain's pointer to a current instruction teaches vectoring to a software-selectable memory location, as claimed. Therefore, we conclude the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and Appellants have not shown error therein. Accordingly, we will sustain the Examiner's rejection of claim 7 as being unpatentable over Vaitzblit in view of McLain.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claim 14 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of dependent claim 14 as being unpatentable over Vaitzblit in view of McLain for the same reasons discussed *supra* with respect to representative claim 7.

Claims 15-18

We consider next the Examiner's rejection of independent claim 15 and dependent claims 16-18 as being unpatentable over Vaitzblit in view of Motomura. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select independent claim 15 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that Motomura does not cure the alleged deficiencies of Vaitzblit. Appellants note that Motomura has only been cited to teach a plurality of register sets and the interconnection of the plurality of register sets with an execution core (Brief 14, ¶2). Therefore, Appellants conclude the cited combination of Vaitzblit and Motomura does not teach or suggest all the elements of independent claim 15 and does not provide a prima facie case of obviousness (Brief 15).

The Examiner disagrees. The Examiner refers back to the rejection (Answer 5) and again asserts that Appellants' arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references (Answer 7-8). *See* 37 C.F.R. § 1.111(b).

18

We find no deficiencies with Vaitzblit, as discussed *supra*. In particular, we note Appellants have failed to point to any specific claim limitations that Motomura allegedly does not teach. Likewise, Appellants have failed to traverse the Examiner's motivation for combining Vaitzblit with the teachings of Motomura. Therefore, we conclude the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and Appellants have not shown error therein. Accordingly, we will sustain the Examiner's rejection of representative claim 15 as being unpatentable over Vaitzblit in view of Motomura.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to dependent claims 16-18 in this group on the basis of the selected claim alone. Accordingly, we will sustain the Examiner's rejection of these claims as being unpatentable over Vaitzblit in view of Motomura for the same reasons discussed *supra* with respect to representative claim 15.

Dependent claim 19

We consider next the Examiner's rejection of dependent claim 19 as being unpatentable over Vaitzblit in view of Motomura, and further in view of Dummermuth.

Appellants argue that Motomura does not cure the alleged deficiencies of Vaitzblit. Appellants further argue that Dummermuth does not teach or suggest managing multitasking in a processor including acknowledging events based on code of a currently-active context (Brief 17-18).

We find no deficiencies with Vaitzblit or Motomura, as discussed *supra*. In particular, we have found *supra* that Vaitzblit discloses the claim

limitations that Appellants assert are not taught by Dummermuth (i.e.,
"managing multitasking in a processor including acknowledging events
based on code of a currently-active context," Answer 18, ¶2). *See also*
discussion of claim 8 as being anticipated by Vaitzblit, *supra*. Therefore, we
conclude the Examiner has met the required burden of presenting a prima
facie case of unpatentability/obviousness and Appellants have not shown
error therein. Accordingly, we will sustain the Examiner's rejection of claim
19 as being unpatentable over Vaitzblit in view of Motomura, and further in
view of Dummermuth.

<center>Dependent Claim 20</center>

We consider next the Examiner's rejection of dependent claim 20 as
being unpatentable over Vaitzblit in view of Dummermuth, and further in
view of Motomura, and further in view of Seibert.

Appellants argue that Dummermuth and Motomura do not cure the
alleged deficiencies of Vaitzblit. Appellants further argue that the cited
combination of references fails to teach or suggest placing a processor in an
idle state when all foreground and background tasks are inactive (Br. 19-20).

We find no deficiencies with Vaitzblit, Dummermuth, or Motomura,
as discussed *supra*. In particular, we have found *supra* that Seibert teaches
the argued limitations of placing a processor in an idle state when all
foreground and background tasks are inactive, as claimed (*See* discussion of
claims 6 and 13, *supra*). Therefore, we conclude that the Examiner has met
the required burden of presenting a prima facie case of
unpatentability/obviousness and Appellants have not shown error therein.
Accordingly, we will sustain the Examiner's rejection of claim 20 as being

<center>20</center>

unpatentable over over Vaitzblit in view of Dummermuth, and further in view of Motomura, and further in view of Seibert.

Dependent Claim 21

We consider next the Examiner's rejection of dependent claim 21 as being unpatentable over Vaitzblit in view of Motomura, and further in view of McLain.

Appellants argue that Motomura does not cure the alleged deficiencies of Vaitzblit. Appellants further argue that the cited combination of references (including McLain) does not teach or suggest a foreground task controller adapted to activate a context corresponding to a particular foreground task by vectoring to a software-selectable memory location (Br. 21).

We find no deficiencies with Vaitzblit or Motomura, as discussed *supra*. In particular, we have found *supra* that Vaitzblit teaches the argued limitations of a foreground task controller (*See discussion* of claims 7 and 14 *supra*). We have also found *supra* that McLain's pointer to a current instruction teaches vectoring to a software-selectable memory location, as claimed (*See discussion* of claims 7 and 14 *supra*). Therefore, we conclude the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and Appellants have not shown error therein. Accordingly, we will sustain the Examiner's rejection of claim 21 as being unpatentable over Vaitzblit in view of Motomura, and further in view of McLain.

Dependent Claim 22

Lastly, we consider the Examiner's rejection of dependent claim 22 as being unpatentable over Vaitzblit in view of Motomura.

Appellants argue that neither Vaitzblit nor Motomura teaches or suggests a processor that forms a portion of a general-purpose computer, as claimed (Br. 21-22).

We find the recited "general purpose computer" limitation is broadly but reasonably taught by Motomura's disclosure of a SPARC-architecture computer (col. 2, ll. 12-13), as well as the generic computers shown in Fig. 1 of Vaitzblit. In addition, we find Vaitzblit's specific disclosure of processing "general-purpose tasks" would have been clearly suggestive of a general purpose computer to a person of ordinary skill in the art at the time of the invention (col. 3, l. 35). Therefore, we conclude that the Examiner has met the required burden of presenting a prima facie case of unpatentability/obviousness and Appellants have not shown error therein. Accordingly, we will sustain the Examiner's rejection of claim 22 as being unpatentable over Vaitzblit in view of Motomura.

DECISION

In summary, we have sustained the Examiner's rejection of all claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-22 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

rwk

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